

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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| SECURITIES INVESTOR PROTECTION CORPORATION, | : : : : : |
| Trustee-Applicant, | : Adv. Pro. No. 08-01789 (BRL) : : : : |
| v. | : SIPA Liquidation : : : : |
| BERNARD L. MADOFF INVESTMENT SECURITIES LLC, | : (Substantively Consolidated) : : : : |
| Defendant. | : : : : : |
| In re: | : : : : : |
| BERNARD L. MADOFF, | : : : : : |
| Debtor. | : : : : : |
| | ----- x ----- |
| IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, | : : : : : : : : : : |
| Plaintiff, | : Adv. Pro. No. 10-05353 (BRL) : : : : : |
| v. | : : : : : |
| NATIXIS, NATIXIS CORPORATE & INVESTMENT BANK (f/k/a IXIS CORPORATE & INVESTMENT BANK), NATIXIS FINANCIAL PRODUCTS, INC., BLOOM ASSET HOLDINGS FUND, and TENSYR LIMITED, | : : : : : : : : : : |
| Defendants. | : : : : : |
| | ----- x ----- |

**DECLARATION OF JESSICA R. SIMONOFF IN SUPPORT OF
TENSYR LIMITED'S MOTION TO DISMISS THE TRUSTEE'S COMPLAINT
OR IN THE ALTERNATIVE TO STAY THE ACTION**

Pursuant to 28 U.S.C. § 1746, I, Jessica R. Simonoff, declare the following:

1. I am an attorney employed by the firm of Freshfields Bruckhaus Deringer US LLP. I submit this declaration in support of Tensyr Limited's Motion to Dismiss the Trustee's Complaint or in the Alternative to Stay the Action filed in Adversary Proceeding Number 10-05353 (BRL) [Docket No. 1]. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would testify competently thereto.
2. On behalf of Tensyr Limited, I have attached as Exhibit A to this declaration a true and correct copy of the Transcript of Hearing before the Honorable Judge Alvin K. Hellerstein in the matter of *Enron Creditors Recovery Corp. v. Int'l Fin. Corp.*, Index Number 07-CV-6597 (AKH) dated April 16, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 1, 2011

By: /s/ Jessica R. Simonoff
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